

**Massachusetts Solid Waste Advisory Committee (SWAC)**  
**November 19, 2020, 10:00 am – 12:00 pm**  
**Summary of Meeting on 310 CMR 19.000**

*Note: The meeting presentation is posted on the MassDEP website along with this meeting summary.*

John Fischer of MassDEP led a discussion on proposed draft changes to the solid waste regulations. This document summarizes the comments and questions raised by meeting participants.

Question: Is MassDEP still accepting comments related to the proposed 310 CMR 16.00 regulatory changes?

Response: Yes. We will continue to accept those.

Comment: There's not a lot of clarity on the applicability of the regulations to older (pre-1990) facilities.

Response: It's difficult to write something that applies to those facilities because there's so much unknown about what happened at that facility prior to 1990. MassDEP does not currently have a definition of "inactive landfill," but it's basically a landfill not accepting waste, that may or may not have gone through a closure plan.

Comment: 19.018 (5)(c)(3a) Inspector Credentials: The regulations focus on PEs, registered sanitarians, etc. and require a Bachelor's degree. My peers in Western MA have experience overseeing small transfer stations but don't have a college degree. It doesn't seem like that should be a requirement as long as the candidate is professionally employed in the field and has the number of years of experience required. Maybe there is a tiered approach for requirements for less than 50 tpd facilities vs. combustion/landfill.

Comment: 19.018 (6)(a)(5) Unannounced Inspections: some Western MA municipal transfer stations are only open on Saturdays or one night a week. It is more common to do the inspection when the site is closed but accessible (similar to MassDEP WERO inspections). Maybe unannounced inspections are more appropriate for larger facilities, but for smaller ones, I sometimes need to notify the highway department to meet me when the site is closed.

Comment: 19.083 - This mandatory recycling provisions appears to be a carryover from the previous revision of the regulations.

Response: MassDEP believes this section is addressed elsewhere in the regulations and is no longer needed.

Comment: 19.207 (11d) Bulky Waste: this section references brush and indicates a 48-hour accumulation time. This is impractical. Maybe a time or size limit prior to chipping is more applicable? When I do inspections, I note if the brush pile seems too large and suggest chipping.

Comment: 19.207 (11c) Bulky Waste: It seems unusual that the BOH can limit the size and type of bulky waste collected. In most Western MA towns, the BOH doesn't have anything to do with the transfer station and it's really the select board or highway department that determines what items are collected or not.

Response: The Board of Health is the regulating authority for the site assignment of the solid waste transfer station and therefore can limit the size or type of material accepted at the transfer station.

Comment: 19.207 (19a) Accident Prevention: this requires attendants to be trained in first aid. With bloodborne pathogen and Hep B issues, I don't recommend that attendants do first aid on residents using the facility. They call 9-1-1. I do, however, make sure their first aid kit is well-stocked for an attendant injury or to offer bandaids/bandages to a resident to self-adhere.

Response: This section is directed at companies and employees operating a solid waste facility so that they can handle accidents that occur on-site. This is not directed at town employees or volunteers that monitor transfer stations for municipal residents.

Comment: 19.207(20a) Fire Protection: I have not been to a small municipal transfer station that is plumbed with running water. Those sites can't meet this requirement. Nor do towns have "fully manned" stations because they are all-volunteer departments and are not always within two miles.

Comment: 19.207 (22a and c) Records: This may be a tiered-situation. (a) is not really possible for small town facilities as they don't have any monitoring or control systems. (c) is also impossible even for small sites. No municipal facilities in Western MA have scales. WERO has suggested to note that outgoing tonnage is recorded but not incoming.

Response: Small town facilities generally are limited to less than 50 tons per day. Only facilities that take more than 100 tons per day are required to weigh trucks. Smaller facilities can still record the number of trucks, capacity of the trucks and estimate the weights based on the capacity of the trucks.

Question: Are the third-party inspection reports working as intended?

A: These results have been mixed. In some cases, compliance issues are identified, but there may not be a corrective action identified. MassDEP relies upon these inspectors for things we can't be there to see, and we hold them responsible for the content of their submissions. MassDEP is discussing ways to improve our oversight of these third-party inspections.

Comment: In certain instances, the people doing facility monitoring reports are also the doing the inspections.

Response: It's difficult to draw that line. Third party inspectors are subject to pains and penalties of perjury. As mentioned above, MassDEP is discussing ways to improve our oversight of these third-party inspections.

Comment: I don't remember receiving guidance or training about what should be done when a site issue is identified.

Response: It is not the responsibility of the inspector to compel the site to make changes but rather to identify noncompliance and fill out a corrective action report. MassDEP is looking to modify these to receive more accurate, consistent reports

Comment: MassPIRG and partner organizations want the upcoming Master Plan to be a Zero Waste Master Plan and not a Solid Waste Master Plan. Capacity should be considered separately.

Response: MassDEP is looking at this from the standpoint that these materials need to be managed. The best way we can influence waste management is through the solid waste hierarchy, including waste reduction, reuse, recycling, composting, and other diversion outlets. MassDEP needs to ensure that trash has a place to go and this is a fundamental requirement of the Solid Waste Master Plan that MassDEP is required by statute to maintain. So "capacity" is ensuring we have the best available capacity from an environmental and economic perspective, and that the trash we do have has a place to go.

Question: I recently participated in a good discussion about "functional" stability of landfills. Is that something we're looking to add to the landfill post-closure plan?

Response: That's not something we're necessarily looking to add to the regulations. MassDEP is looking at a gradation of oversight of particular sites. This could include at what point monitoring or maintenance requirements could be safely reduced.

Question: We need to tighten up the FAM (financial assurance mechanism) section to make sure these sites don't run out of money. Will there be a need to go past 30 years with landfill FAMs?

Response: This is one of the policy issues that MassDEP is considering in revising these regulations. MassDEP believes that landfills will continue to require some level of monitoring and maintenance after the initial 30 year period, but we have not yet established specific recommendations on these issues.

Question: Is there a requirement that transfer/handling facilities cannot store waste?

Response: Waste cannot be held for temporary storage, (i.e. by haulers in between transfer sites. This is referenced in 16.03. Storage of waste at the solid waste facility is limited to what is allowed in the operating permit issued by MassDEP.

Comment: The language on how contaminated soils are managed is murky. Perhaps this should be clarified in the definitions.

Response: MassDEP doesn't regulate soil as solid waste unless it's going for disposal. It goes through other regulatory processes as they relate to the specific activity for that soil. A soil is not a solid waste - even if it's contaminated - unless it goes for disposal.